

# BLANKROME

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March 26, 2021

## **BY ELECTRONIC FILING**

The Honorable Maryellen Noreika  
United States District Court for the District of Delaware  
J. Caleb Boggs Federal Building  
844 N. King Street  
Unit 19  
Room 4324  
Wilmington, DE 19801-3555

**Re: JHL Pharmaceuticals, LLC et al. v. PuraCap Laboratories, LLC et al.,  
C.A. No. 1:18-cv-00553-MN**

Dear Judge Noreika:

Per the Court's Order of March 22, 2021, the parties in the above-captioned action hereby provide a Joint Status Report on the progress of their settlement discussions to date.

### **Position of the PuraCap Parties and Ms. Luster:**

Now that the Consulting Agreement action (D.I. 1:18-cv-00503) and Guaranty Action (D.I. 1:19-cv-01522) will not proceed to trial, the PuraCap Parties do not believe that there should be any restrictions with our ability to inform the Court about the details of the parties' settlement negotiations. However, given that Mr. Luster's counsel has disagreed with this position in the past, we are reluctant to disclose those details without the Court's permission to do so.

Suffice to say, the lawyers for all parties have continued to discuss settlement options. Indeed, yesterday, the PuraCap Parties reached an agreement with Mrs. Luster which will amicably resolve their dispute. However, the PuraCap Parties have been unable to make any meaningful progress with Mr. Luster, notwithstanding several productive discussions with his counsel. As has been the case all along, the PuraCap Parties believe the Lusters' marital dispute continues to be a major impediment, at least in the eyes of Mr. Luster. The PuraCap Parties have made numerous offers to settle with Mr. Luster, some globally, some individually, but none have

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gained any meaningful traction. Mr. Luster's counsel did relay an offer this afternoon that the PuraCap Parties believe move the parties further apart and not closer together.

We remain willing and ready to discuss settlement of the escrow dispute (D.I. 1:18-cv-00553) in order to avoid trial. We would appreciate any assistance the Court can provide in this regard.

**Position of Mr. Luster:**

From Mr. Luster's perspective, it remains improper to discuss settlement particulars with the Court. Mr. Luster also disagrees with the notion that he has caused the parties to become further apart in settlement. If anything, the opposite is true. In any event, Mr. Luster will be at the courthouse to further discuss the matter with a PuraCap representative on Tuesday as directed by the Court.

Respectfully submitted,

*/s/ Adam V. Orlacchio*

Adam V. Orlacchio (DE No. 5520)

cc: All counsel of record (via electronic service)